IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3846 of 2007()

: PETITIONER/ACCUSED NO.3 & 4

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1. BINOJ, S/O.THANKAPPAN,
MUKKIL HOUSE, KOOVAKKATTUKUNNU DESOM,
P.O.MELOOR, THRISSUR DISTRICT.

2. BIJU,
S/O.VELAYUDHAN, PANAMKOOTTATHIL HOUSE,
KORATTY, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3846 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. Petitioners are accused Nos. 11 4 (not 3 and 4 as shown in the application). Altogether there are 11 accused persons. The crux of the allegations is that an amount of Rs.10.28 lakhs was being carried from a petrol bunk to bank in a vehicle by the defacto complainant. The miscreants allegedly intercepted the vehicle, stopped the vehicle of the defacto complainant and robbed an amount of Rs.10.28 lakhs which he was carrying with him.

2. In the FIR no person was named as accused. Eleven accused have now been identified. All except accused Nos.3,4,5,6 and 11 have been arrested. The petitioners have made themselves scarce and they have not cooperated with the Investigators. They apprehend imminent arrest.

3. The learned counsel for the petitioners submits that the petitioners are innocent but have been unjustifiably arrayed as accused. The 4th accused happens to be a person listed as a rowdy in the records of the local police. That is the reason why he has been brought on the array of the accused.

4. In these circumstances., it is prayed that the petitioner may be granted anticipatory bail.

5. Learned Public Prosecutor opposes the application. The allegations are very serious. The denial of opportunity for custodial interrogation of the accused would seriously affect the investigation, submits the learned Public Prosecutor.

6. I find merit in the opposition of the learned Public Prosecutor. The allegations are serious. The interrogation of the arrested accused is certainly necessary. I am not persuaded to agree that any satisfactory reasons exist to justify the grant of anticipatory bail to the petitioners. In these circumstances I am satisfied that this is a fit case where the petitioners must appear before the learned Magistrate or the Investigating Officer and seek regular bail in the normal and ordinary course. With the above observations, this petition is dismissed.

(R.BASANT, JUDGE)

sj